

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JERRY DINKINS, )  
Petitioner, )  
v. ) NO. 3:19-cv-00909  
UNITED STATES OF AMERICA, )  
Respondent. )

**ORDER**

On May 8, 2020, the Court granted Jerry Dinkins' Motion to Vacate, Set Aside, or Correct Sentence in Accordance with 28 U.S.C. § 2255, vacated his conviction on the only count he pled guilty to (murder in the course of discharging a firearm in furtherance of a crime of violence) for being unconstitutional in light of United States v. Davis, 139 S.Ct. 2319 (2019), and ordered that he be discharged from custody. (See Doc. No. 9 at 4.) The United States subsequently filed an Emergency Motion to Stay Release of Defendant (Doc. No. 11) and Motion for Reconsideration (Doc. No. 12), and the Court held a telephonic hearing on both motions on Sunday, May 10, 2020.

For the reasons discussed both on the record and in the Court's forthcoming memorandum opinion, which will be entered in due course, the United States' Emergency Motion to Stay Release of Defendant (Doc. No. 11) and Motion for Reconsideration (Doc. No. 12) are **DENIED**. Dinkins remains ordered discharged from custody.

The Clerk shall enter a copy of this Order in Case No. 3:11-cr-00012-16.

IT IS SO ORDERED.

  
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WAVERLY D. CRENSHAW, JR.  
CHIEF UNITED STATES DISTRICT JUDGE